

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HOA T. DAO, <sup>1</sup>	§	
	§	No. 173, 2011
Appellant,	§	
	§	Court Below—Court of
v.	§	Chancery of the State of
	§	
WELLS FARGO BANK,	§	
	§	
Petitioner Below,	§	C.A. No. 6111
Appellee.	§	

Submitted: April 26, 2011

Decided: May 16, 2011

**ORDER**

This 16<sup>th</sup> day of May 2011, it appears that the appellant, Hoa T. Dao, filed an appeal from the Court of Chancery's March 10, 2011 Order Granting Verified Petition for Instructions and Related Relief. On April 12, 2011, the appellee, Wells Fargo Bank, filed a motion to dismiss the appeal.<sup>2</sup> Dao has not responded to the motion to dismiss.<sup>3</sup> Dismissal of the appeal is deemed to be unopposed.<sup>4</sup>

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b)(2), 29(b) and 30(b), (c), that the appeal is DISMISSED.<sup>5</sup>

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>1</sup> The Court has *sua sponte* corrected the caption.

<sup>2</sup> See Del. Supr. Ct. R. 29(b) (providing for involuntary dismissal of appeal upon motion by a party).

<sup>3</sup> See Del. Supr. Ct. R. 30(b) (providing for ten-day period to respond to motion).

<sup>4</sup> *Id.* at (c). See also Del. Supr. Ct. R. 3(b)(2) (providing in pertinent part that a party is deemed to have consented to the termination of a case when the party fails to respond to another party's motion to dismiss).

<sup>5</sup> The Court notes that Dao paid only \$2.00 of the \$460 filing fee. Del. Supr. Ct. R. 20.